

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101
Prepared by: Deborah Ross, AICP, Planning Supervisor

SUBJECT: Spielman-Margolis Replat (168-46)/Located at the northwest corner of University Drive and Orange Drive

AFFECTED DISTRICT: District 3

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION DG 7-3-03, CONSENTING TO AN APPLICATION FOR FINDINGS OF ADEQUACY FOR THE SPEILMAN-MARGOLIS REPLAT (168-46); AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF:

When plats are approved, Broward County places a five (5) year time limit on its finding that there is adequate infrastructure to support development on a plat. The five (5) year Findings of Adequacy for the Speilman-Margolis Replat will expire on December 15, 2003. The applicant asks that the Town consent to their request to submit to Broward County to allow a renewal of the five-year adequacy determination for the subject plat. The requested adequacy determination is required pursuant to the Broward County Land Development Code regulations if a building permit has not been issued within five years from plat approval.

The subject plat is approved for 366,900 square feet of commercial uses. Please note a site plan for 2,800 square feet of office/commercial use was submitted to the Planning and Zoning Division on April 15, 2003, for review.

PREVIOUS ACTIONS: None

CONCURRENCES: None

FISCAL IMPACT: None

RECOMMENDATION(S): Staff finds that the application is complete and suitable for transmittal to Town Council for consideration.

Attachment(s): Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION DG 7-3-03, CONSENTING TO AN APPLICATION FOR FINDINGS OF ADEQUACY FOR THE SPIELMAN-MARGOLIS REPLAT (168-46); AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Big Orange Development Ltd. proposes to develop the property known as the Spielman-Margolis Replat (168-46); and

WHEREAS, the Findings of Adequacy, by the Broward County Board of County Commissioners Broward County, for said plat, will expire on December 15, 2003; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council of the Town of Davie does hereby consent to an Application of Findings of Adequacy for the Spielman-Margolis Replat (168-46), with a note restricting the plat to 366,900 square feet of commercial uses.

SECTION 2. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2003.

MAYOR/COUNCILMEMBER

Attest:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2003.

TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation

APPLICANT INFORMATION

<u>Owner:</u>	<u>Agent:</u>
Name: The Big Orange Development Ltd. General Partner University Management Corp.	Name: Barbara Hall Greenberg Traurig, P.A.
Address: 141 N.W. 20 th Street, Suite G-122	Address: 515 East Las Olas Boulevard
City: Boca Raton, FL 33431	City: Ft. Lauderdale, FL 33302
Phone: (561) 338-3426	Phone: (954) 765-0500

BACKGROUND INFORMATION

Application History: No deferrals have been requested.

Application Request: Petitioner is requesting a renewal of the five-year adequacy determination for the "Spielman-Margolis Replat."

Address/Location: 7921 SW 45 Street (Orange Drive)/ Located at the Northwest corner of University Drive and Orange Drive.

Future Land Use Plan Designation: Commercial

Zoning: B-1, Neighborhood Business and B-2, Community Business District

Existing Use: Agricultural

Existing Plat Note: 366,900 square feet of commercial use.

Parcel Size: ±36.07 acres

Surrounding Uses:
North: Rolling Hills
South: Town Plaza at Davie
East: Retail and Restaurants
West: Alpine Woods

Land Use Plan Designation:
Residential (3.5 DU/AC)
Commercial
Commercial
Residential (5 DU/AC)

Surrounding Zoning:

North: R-5 District, Low Medium Density Dwelling

South: B-2 District, Community Business, CF, Community Facilities

East: B-1 & B-2 Districts, Neighborhood Business and Community Business

West: R-5 & PRD-5 Districts, Low Medium Density Dwelling and Planned Residential

ZONING HISTORY

Related Zoning History: A 'Settlement Agreement' was approved in October 1989. The Margolis settlement agreement vested the developer to the Land Development Code in effect in 1989 with additional modifications as specified in said agreement.

Previous Request on same property: The Spielman-Margolis Plat was approved on July 20, 1994 by Resolution R 94-227 for installation of required improvements.

Town Council approved the Spielman-Margolis Replat (Plat Book 168, Page 46) on October 18, 1995 by Resolution 95-287.

Resolution R 99-92 was approved on March 16, 1999 to revise access openings for the Margolis Plat through the Delegation Request process.

APPLICATION DETAILS

When plats are approved, Broward County places a five (5) year time limit on its findings that there is adequate infrastructure to support the development on a plat. The five (5) year Findings of Adequacy for the Spielman-Margolis Replat will expire on December 15, 2003. The applicant asks that the Town consent to their request to submit to Broward County to allow a renewal of the five-year adequacy determination for the subject plat. The requested adequacy determination is required pursuant to the Broward County Land Development Code regulations if a building permit has not been issued within five years from plat approval.

Applicable Codes and Ordinances

The effective code of ordinances governing this project is the Town of Davie Land Development Code.

The Broward County Land Development Code requires Delegation Requests for plat note revisions.

Significant Development Review Agency Comments

Broward County Development Management Division is the County lead agency in assessing the impact of development through the plat and/or delegation request process. Broward County requires that the petitioner request to amend or revise the level of approved development on the plat. Such requests must be approved by the local municipality and County Commission, and then subsequently recorded against the plat. As part of the delegation request process, the property would be reviewed for traffic concurrency and assessed any additional traffic impact fees, or mitigation measures, as applicable.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 5. Planning Area 5 is bound by Nova Drive on the north, University Drive on the east, and Nob Hill Road on the west. The southern limits are SW 36 Street, on the western portion. This planning area is comprised of residential uses developed at a density of three to 22 dwelling units per acre and commercial development, existing and proposed, along the University Drive and Orange Drive corridors. The Pine Island Ridge, classified as environmentally sensitive, has been preserved within this planning area.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 99.

Broward County Land Development Code: The Broward County Land Development Code requires that any changes or waivers to requirements of development permit applications be reviewed and approved or disapproved by the municipality with final approval by Broward County Commission.

Applicable Goals, Objectives & Policies: The proposed plat is generally consistent with the goals, objectives and policies of the Comprehensive Plan.

Staff Analysis/Findings of Fact

The applicant requests the Town to consent to Broward County to allow a renewal of the five-year adequacy determination for the subject plat. The requested adequacy determination is required pursuant to the Broward County Land Development Code regulations if a building permit has not been issued within five years from plat approval. The five (5) year Findings of Adequacy for the Spielman-Margolis Replat will expire on December 15, 2003. Staff notes a site plan was submitted to the Planning and Zoning Division on April 15, 2003 for review.

Staff Recommendation

Recommendation: Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Exhibits

1. Justification letter
2. Future Land Use Map
4. Subject Site, Zoning and Aerial Map

Prepared by: _____

Reviewed by: _____

GREENBERG
TRAUBIG

Barbara A. Hall
1994-2003
Barbara A. Hall

July 8, 2003

Via Facsimile

Mr. Mark Kutney
Director of Development Services
Town of Davie
6591 Orange Drive
Davie, Florida 33314

Re Spielman-Margolis Plat

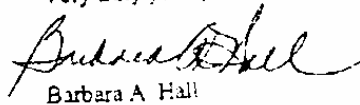
Dear Mr. Kutney:

The owners of the Spielman-Margolis Plat are applying to renew the five-year adequacy determination for the Spielman-Margolis Plat. This adequacy review process is required by county regulations if a building permit has not been issued within five years from plat approval.

At this time we are simply requesting a letter of no objection from the Town, which is a required attachment for the County application. The property owner is applying to the County to amend the existing plat note, which authorizes the development of 366,900 square feet of commercial use to allow an additional five year concurrency period.

If the Council is required to authorize the issuance of such a letter, we need to have this matter placed on the Town Council agenda for August 6, 2003. Please do not hesitate to call me if you have any questions regarding this matter.

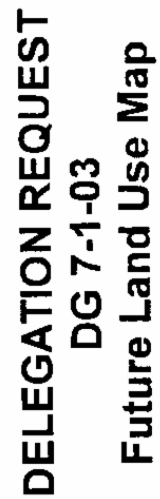
Very truly yours,


Barbara A. Hall

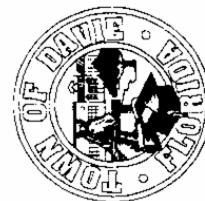
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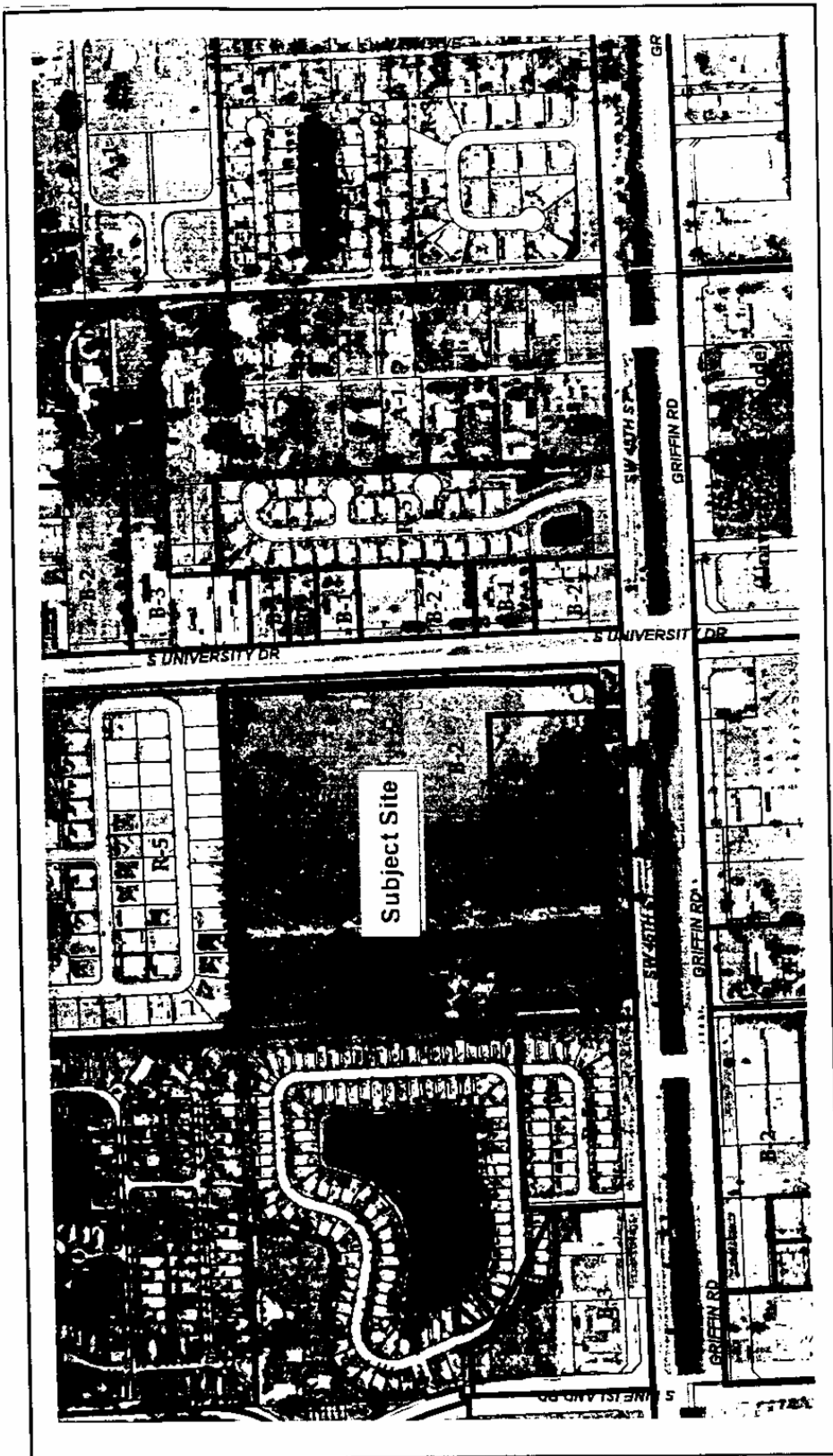
cc Debbie Ross
David Margolis
Alan Margolis
Neal Kalis, Esq

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Prepared By: D.M.A.
Date Prepared: 07-25-03



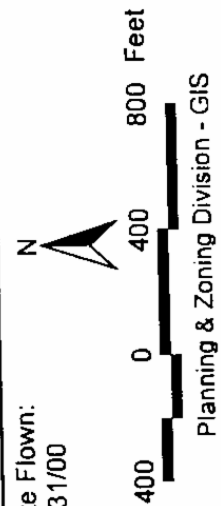


DELEGATION REQUEST DG 7-1-03 Zoning and Aerial Map

Prepared By: D.M.A.
 Date Prepared: 07-25-03



Date Flown:
 12/31/00



Planning & Zoning Division - GIS